

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 15301 of the W.C. and A.N. Miller company, as amended, pursuant to 11 DCMR 3108.1 and 3107.2, for a special exception under Section 2516 to allow a theoretical lot subdivision, and a variance from the provision that the area of land that forms a covenanted means of ingress or egress shall not be included in the area of any theoretical lot, or in any yard that is required [Paragraph 2516.6(a) for a theoretical lot subdivision and construction of 114 single-family detached dwellings in an R-1-A District at premises 5100 and 5102 Yuma Place; 4900 and 5153 Yuma Street; 4246, 4248, and 4330 - 50th Place; 4900, 4902, 4904, 4906, 4908, 4910, 500-24; 5026, 5028 Warren Street; 5100-27, 5129, 5131, 5133 Warrent Place; 5102-12, 5114-27, 5129, 5131, 5133, 5135, 5137, 5139 - 52nd Street; 4250 Fordham Road; 4102-12 - 52nd Court, N.W., (Square 1467, Lots 868-69, 876-879, 887-894 and 896-995).

HEARING DATE: May 9, 1990  
DECISION DATES: May 9, 1990 and March 6, 1991

**DISPOSITION:** The Board **GRANTED** the application with **CONDITIONS** by a vote of 5-0 (Paula L. Jewell, Charles R. Norris, William F. McIntosh, Lloyd Smith and Carrie L. Thornhill to grant). The Board **APPROVED** a **MODIFICATION** of **PLANS** by a vote of 4-0 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to approve; Lloyd Smith to approve by proxy; Sheri M. Pruitt not voting, not having heard the case).

**FINAL DATE OF ORDER'S:** August 17, 1990 and March 29, 1991

**ORDER**

The Board granted the application, subject to four conditions, by its Order dated August 17, 1990. Subsequently, the Board granted a modification of plans by its Order dated March 29, 1991. By letter dated June 7, 1991, counsel for the applicant filed a request for a waiver of the six month time period to consider a modification of the approved plans. The proposed modification will result in the consolidation of lots 916 and 917 and construction of a single dwelling on that enlarged lot in response to the specific request of the prospective home owner. The consolidated theoretical lot will have a total lot area of 23,239 square feet. The proposed dwelling will be slightly larger than the individual dwellings approved under the original order. However, the overall

BZA APPLICATION NO. 15301

PAGE 2

density of the project would be reduced as a result of the proposed modification.


Upon consideration of the motion and proposed modification, the record in the case, and its final orders, the Board concludes that the proposed modification is minor in nature and does not substantially alter the overall project as initially approved by the Board. The applicant requires no additional zoning relief from the Board. The material facts relied upon by the Board in approving the application are still relevant. There was no opposition to the proposed modification of plans. It is therefore **ORDERED** that the modification of plans is **APPROVED SUBJECT** to the **CONDITION** that the layout of the site shall be in accordance with the plat marked as Exhibit No. 86A of the record. In all other respects, the Order of the Board dated August 17, 1990 shall remain in full force and effect.

**DECISION DATE:** July 10, 1991

**VOTE:** 4-0 (Charles R. Norris, Paula L. Jewell and Carrie L. Thornhill to approve; Lloyd Smith to approve by proxy; Sheri M. Pruitt not voting, not having heard the case).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Executive Director

FINAL DATE OF ORDER:

JUL 26 1991

PURSUANT TO D.C. CODE SEC. 1-2531 (1987), SECTION 267 OF D.C. LAW 2-38, THE HUMAN RIGHT ACT OF 1977, THE APPLICANT IS REQUIRED TO COMPLY FULLY WITH THE PROVISIONS OF D.C. LAW 2-38, AS AMENDED, CODIFIED AS D.C. CODE, TITLE 1, CHAPTER 25 (1987), AND THIS ORDER IS CONDITIONED UPON FULL COMPLIANCE WITH THOSE PROVISIONS. THE FAILURE OR REFUSAL OF APPLICANT TO COMPLY WITH ANY PROVISIONS OF D.C. LAW 2-38, AS AMENDED, SHALL BE A PROPER BASIS FOR THE REVOCATION OF THIS ORDER.

**BZA APPLICATION NO. 15301**

**PAGE 3**

UNDER 11 DCMR 3103.1, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

**15301Order/SS/bhs**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 15301

As Executive Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on JUL 26 1991 a copy of the order entered on that date in this matter was mailed postage prepaid to each party who appeared and participated in the public hearing concerning this matter, and who is listed below:

Edward J. Miller, Jr.  
W.C. & A.N. Miller Deve. Co.  
4115 - 50th St., N.W.  
Washington, D.C. 20016

Michele T. Kearney  
5137 Yuma Street, N.W.  
Washington, D.C. 20016

Spring Valley-Wesley Heights  
Citizens' Assn.  
c/o Frederick W. Allen  
3880 University Avenue, N.W.  
Washington, D.C. 20016


Jill J. Witten  
5105 Yuma Street, N.W.  
Washington, D.C. 20016

Thomas Whitehead  
4931 Massachusetts Ave., N.W.  
Washington, D.C. 20016

Marion Scheuer Sofaer  
3520 Overlook Lane, N.W.  
Washington, D.C. 20016

Joyce U. Waid, Chairperson  
Advisory Neighborhood Commission 3D  
P.O. Box 40846  
Palisades Station  
Washington, D.C. 20016

Steven Raiche, Chairperson  
Advisory Neighborhood Commission 3E  
P.O. Box 9953  
Friendship Station  
Washington, D.C. 20016

  
\_\_\_\_\_  
EDWARD L. CURRY  
Executive Director

DATE: \_\_\_\_\_

15301Att/bhs